

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STEVEN HUFF,

Plaintiff,

v.

Case No. 6:19-cv-861-Orl-37DCI

BOBCAT NORTH AMERICA, LLC;
BOBCAT DISPOSAL OF SARASOTA,
LLC; RUSSO AND SONS, LLC; M&MR
OPERATIONS, INC.; MIKE RUSSO;
and MARILYN RUSSO,

Defendants.

Plaintiff Steven Huff brought this collective action on behalf of himself and similarly situated individuals, suing his former employers for failure to pay overtime wages under the Fair Labor Standards Act (“FLSA”). (See Doc. 1.) On March 31, 2020 the Court conditionally certified a 29 U.S.C. § 216(b) class. (Doc. 70.) Forty-one plaintiffs opted-in to this collective action, in addition to Mr. Huff (collectively, “**Settlement Collective**”). (See Doc. 108-2.) The parties now move for approval of their FLSA settlement agreement under *Lynn’s Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982); the opt-in plaintiffs each signed notices of acceptance of the settlement (Doc. 108-2). (Doc. 108 (“**Motion**”); Doc. 108-1 (“**Agreement**”).) On referral, U.S. Magistrate Judge Daniel C. Irick recommends granting the Motion in part and approving the Agreement, finding it fair and reasonable. (Doc. 109 (“**R&R**”).) But he recommends the Court decline to retain jurisdiction over the claims, as

requested. (*Id.* at 9.)

The parties do not object to the R&R (Doc. 110), so the Court has examined it only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 109) is **ADOPTED, CONFIRMED**, and made a part of this Order.
 2. The parties' Joint Motion to Approve Settlement (Doc. 108) is **GRANTED IN PART AND DENIED IN PART**:
 - a. The parties' Settlement Agreement as to FLSA Claims (Doc. 108-1) is found to be a fair and reasonable settlement of the Settlement Collective's claims under the FLSA;
 - b. The case is **DISMISSED WITH PREJUDICE** as to the members of the Settlement Collective;
 - c. The case is **DISMISSED WITHOUT PREJUDICE** as to Nathaniel Rouch (Doc. 36-1) as he did not meet the requirements of the conditional certification order (*see* Doc. 108, p. 2 n.2);
 - d. In all other respects, the Motion is **DENIED**.
 3. The Clerk is **DIRECTED** to terminate all pending motions and close the file.
- DONE AND ORDERED** in Chambers in Orlando, Florida, on January 27, 2021.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record